



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/778,387

02/06/2001

Wilson Wai Toy

EIMC-018

4513

7590

04/01/2005

David B. Ritchie
Thelen Reid & Priest LLP
P. O. Box 640640
San Jose, CA 95164

EXAMINER

ABRAMS, NEIL

ART UNIT

PAPER NUMBER

2839

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

5

Office Action Summary	Application No. 09/778,387	Applicant(s) TOY ET AL.	
	Examiner Neil Abrams	Art Unit 2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12-29-2004
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-17, 1-5, 7 is/are rejected.
- 7) ☐ Claim(s) 6, 8-14 are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2839

Title should be changed to reflect elected invention. ^{Amendment, page 3} ~~Page~~ instruction as to paragraph on page 15, line 1, seems incorrect, should the insertion be cancelled and replaced by one to – page 15, line 10 ---?

Third drawing sheet objected to, it should be labeled “New sheet”.

Fig. 7C, addition of portion of VED 702 with pin 718 aligned with slot 715 is suggested to improve disclosure. The numerals 715 could be moved to provide space for such change.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as “Annotated Sheets” and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordin alone or taken in view of Bellek.

See last office action, page 3, lines 11-20.

Basically Gordin, fig. 1, discloses an enclosure 11 for a lamp 14, a hinged cover 28 with a top and a sidewall and a feature that apparently forms a hinge that supports the cover in open position. Gordin does not disclose “VED” aspect and the hinge “hold in open position” while appearing to be present explicitly, mentioned.

^{is not}
↑

Art Unit: 2839

Lamps like that at 14 are well known to be vacuum device that use electronics. Therefore obvious to provide lamp 14 as such VED. Also obvious to form Gordin with a hinge like that of Bellek, figs. 6, 7. This type hinge would guide movement of the cover and would hold it in open position, see Bellek, fig. 7.

For claim 16, Gordin at 26, 24 discloses means for power interruption and for claim 17, the Bellek type hinge inherently includes means for preventing galling, etc. Further a lubricant layer would serve such purpose.

Claims 1-5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordin in view of Zerwes.

Gordin, figs. 6, 7 includes a lamp or VED box 11 and covers 128, 129 with tops and sidewalls and hinged to the box 111. The device lacks guide plates with tracks together with cover guide elements. Zerwes figs. 1, 2, 4, 15 discloses guide plates 16 with tracks 24, 24" and a cover 14 having guide elements 46. It would have been obvious to use such a cover system for the Gordin system for 128 or 129. This would enable the cover to be held in open position. Claims 2, 3, 5 met by such cover system., Claims 4, 7, figs: 15 slot 24" has notch 158 and is also read as L-shaped.

Applicant's arguments filed with the amendment have been fully considered but they are not persuasive. Arguments on page 15, 16 refers mainly to use of means for aligning as an "L-shape track", however this feature is not recited in any of claims 15-17 and cannot be relied upon to avoid the rejection. As to claims 1, etc, note that certain prior limitations have been deleted.

Art Unit: 2839

The following is an examiner's statement of reasons for allowance: Claims 8-14 all recite features not taught or suggested by prior art of record. For claim 6, Gordin, figs. 6, 7 are applied and to modify the system in view of Zerwer as discussed above and to "also" form it to include power interrupt as in Gordin, fig. 1 at 26, 24 would amount to substantial redesign of the system and would not have been obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Nishimura discloses are lamps to be vacuum electronic devices.

Claims 6 and 8-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Neil Abrams at telephone number (571)272-2089.

Abrams/ds

03/29/05


NEIL ABRAMS
EXAMINER
ART UNIT 322